

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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THOMAS D. CUESTA, SR.,

Case No. 17-cv-623-pp

Petitioner,

v.

REED RICHARDSON,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION TO RECONSIDER DENIAL OF  
MOTION FOR LEAVE TO APPEAL WITHOUT PREPAYING THE FILING FEE  
(DKT. NO. 22)**

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The court dismissed the petition at the screening stage, because the petitioner had not asked the Seventh Circuit for permission to file a second or successive petition. Dkt. Nos. 13, 14. The petitioner, representing himself, filed an appeal, dkt. no. 15, along with a motion for leave to appeal without prepaying the filing fee, dkt. no. 16. The court denied the motion for leave to appeal without prepaying the filing fee, finding that the petitioner did not take the appeal in good faith. Dkt. No. 20.

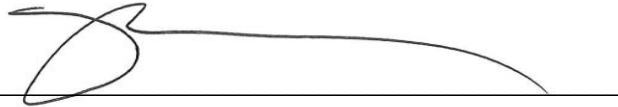
The petitioner has asked the court to reconsider its denial of his request for leave to appeal without prepaying the filing fee. Dkt. No. 22. In support of that motion, the petitioner argues—as he did in the petition—that he is innocent, and goes through the reasons the state court erred. The petitioner does not address the fact that the reason the court dismissed his petition was because he did not, as the law requires him to do, ask the Seventh Circuit for

permission to file a second or successive petition. The petitioner does not provide the court with any reason to change its ruling on his motion to appeal without paying the fee. He simply re-argues the issues he argued in the petition.

The court **DENIES** the petitioner's motion for reconsideration of its order denying his request to proceed without prepaying the filing fee. Dkt. No. 22.

Dated in Milwaukee, Wisconsin this 14th day of December, 2017.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**United States District Judge**